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## Changing legislation and its effects on inclusive and special education: Scotland

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### Abstract

This paper analyses recent policy developments and outcomes in the field of additional support needs in Scotland in the context of devolution and austerity, drawing on a critical analysis of policy and administrative data. Whilst there is a growing tendency in Scottish policy discourse to 'decentre' England as a main point of comparison, in the field of special and additional support needs policy there appear to be strong correspondences between the two jurisdictions. England appears to be following Scotland's lead in producing new types of statutory support plans and placing greater emphasis on children's rights. At the same time, these policy changes are being implemented in different policy contexts, with homogenous governance arrangements characterising the Scottish school system, compared with increasing complexity within the English system. In terms of the growth of the category of social emotional and behavioural difficulties (SEBD in Scotland, BESD in England) there are strong cross-border parallels. Children in these categories tend to live in deprived areas and are unlikely to have statutory support plans. Overall, this indicates the importance of analysing not just policy discourse, but also policy outcomes.

### Key words

Scotland  
Additional support needs  
Deprivation

### Introduction

Within Scottish social policy discourse, there is a strong commitment to the principles of social justice and inclusion. Children with additional support needs, which may arise as a result of a range of factors including social, sensory, physical or cognitive difficulties, are seen as a group meriting additional resources to enable them to benefit from education. However, as argued some years ago by Fulcher (1989), the endorsement of inclusion within official policy does not always lead to the practical realisation of such policies. Indeed, the discourse of inclusion may be used as a tactic to justify practices which few would recognise as inclusive. It is therefore very important not only to examine policy discourses, but also their consequences as indicated by administrative data. It is also important to recognise that additional support needs policy evolves over time, but never exists in a policy vacuum. What happens in the field of additional support needs is strongly influenced by wider education policy, which is in turn shaped by changes in the overarching social policy landscape. In Scotland over recent years, there have been three main factors which have affected additional support needs policy and practice. **Firstly**, devolution and the referendum on independence, which took place in September 2014, has had a major impact on education, leading Scottish Ministers to 'decentre' English education, emphasising differences between the Scottish education system and that of the rest of the UK, particularly England. **Secondly**, like all other countries in the developed world, the economic crash of 2008 has had serious consequences for the delivery of Scottish public services, leading to cuts and restructuring even in areas which are seen as national priorities, such as education. **Thirdly**, a series of legislative developments since the mid-2000s has radically altered the concept of additional support needs, and recent legislation has sought to prioritise children's rights. In the

following sections, we explore Scottish policy on additional support needs in the context of broader political and social changes.

### **Research methods**

This paper draws on data gathered during the course of a Leverhulme Fellowship project entitled *Special Education and Policy Change: A Study of Six Jurisdictions*, which ran from April 2012 – September 2014. The following jurisdictions were included in the study: Scotland; England; New South Wales, Australia; California, USA; Sweden and the Netherlands. Methods used were similar across the jurisdictions, including the analysis of policy and administrative data and interviews with senior policy makers. This paper draws on analysis of Scottish Additional Support Needs (ASN) policy, official statistics published by the Scottish Government and interviews with seven policy informants. Data analysis focused on the identification of emerging themes in Scottish policy on additional support needs and the way in which these have been influenced by policy developments in the rest of the UK and Europe. We were particularly interested in the evolution of understandings of additional support needs, the increase in the number of categories of ASN and, within some categories, the increase in the number of children identified as having that type of difficulty. We were also interested in exploring the growing emphasis placed on parents' and children's rights. Since there has been such a marked focus on constitutional change in Scotland over recent years, we begin with a discussion of its impact on education and on additional support needs more specifically.

### **Constitutional change and education**

Since the establishment of the Scottish Parliament under the terms of the Scotland Act 1998, there has been much discussion of the nature and extent of policy convergence and/or divergence across different policy areas. In the run-up to the referendum in September 2014, this discussion intensified, with debate focussing on whether the existing devolution settlement was capable of sustaining a distinctive Scottish policy agenda, or whether further constitutional change was essential to achieve this goal. There was also reflection on whether, irrespective of the outcome of the referendum, devolution would eventually lead to greater divergence and eventual separation. Jeffery (2009) characterised devolution as 'a fragile divergence machine', suggesting that, once this policy was implemented, greater divisions were likely to open up over time between Scotland and England. This, he explained, was because devolution was a process rather than an event, and underpinning legislation placed no limits on the extent of divergence. As a result, according to Jeffery, instability was built into the devolution settlement from the start.

In the White Paper on Scottish independence (Scottish Government, 2013) and throughout the referendum campaign, Scottish exceptionalism across all policy fields has been emphasised by the Scottish Government. For example, in higher education, the White Paper argued that the English system should be understood as increasingly marketised and based on wealth rather than ability. In contrast, admission to the Scottish higher education system was described as based on the ability to learn rather than pay. As we discuss elsewhere (Riddell et al, 2014), this tends to gloss over the very strong similarities between the systems, including the social selectiveness of the university sector in both England and Scotland and strong financial underpinning from the state in both jurisdictions. Nonetheless, the section on higher education in the White Paper provides a clear illustration of the emphasis on difference and divergence.

The White Paper has far less to say about school education. Reference is made to the Scottish Government's new curriculum (Curriculum for Excellence) and the desire to improve the educational outcomes of children from the poorest neighbourhoods, an ongoing preoccupation of all administrations since the advent of devolution. Arnott and Ozga (2012) have argued that since the election of the first Scottish National Party (SNP) minority administration in 2007, there have been growing attempts to emphasise the role of education

as the means of promoting not only economic growth, but also social justice and national identity. For example, in 2011 the Cabinet Secretary for Education and Lifelong Learning, Michael Russell, pledged that the *Getting it Right for Every Child* programme (see below for further discussion) would continue to target resources on vulnerable children, including those with additional support needs, in order to achieve both economic and social benefits. Based on interviews with policy makers, Arnott and Ozga maintain that Scottish education policy has tended to use European countries such as Finland and Denmark, with strong social welfare traditions, as points of comparison. England, with its increasingly marketised approach to education, has been depicted as increasingly irrelevant to the Scottish experience. Clearly, since devolution in 1999, there has been a discursive shift in Scottish education policy and a 'decentring' of England. However, as we point out in a later section of this paper, there continue to be strong correspondences between Scottish and English special and additional support systems, although over recent years in some regards England is following Scotland's lead, rather than the other way round. There is little evidence that other European countries are providing prototypes of additional support needs provision which Scotland is seeking to emulate.

### **Additional support needs, social inequality and the impact of austerity**

As evidenced by the White Paper and a range of policy documents published since devolution (Riddell, 2009), Scotland portrays itself as a nation reflecting the core social values of collectivism and meritocracy. However, as noted in a number of recent policy reports (Sosu and Ellis, 2014; Wyness, 2013; National Equality Panel, 2010), social and economic inequality is deeply entrenched within Scotland and is reflected in outcomes across a range of policy fields including education and health. One in five Scottish children lives in poverty and there is a strong and enduring association between low household income and low educational attainment. The Scottish Government's definition of additional support needs recognises that poverty and social exclusion are major causes of difficulties in learning (see below for further discussion). The difficulties faced by Scottish children from low income backgrounds are evident at an early age and intensify during the course of primary and secondary education. The *Growing Up in Scotland Study* (Bradshaw, 2011) shows that by age 3, average vocabulary scores for children from low income households were below those of children from high income households. By age 5, the scores correspond to a 13 month gap in vocabulary development. By the end of compulsory schooling, young people from socially advantaged neighbourhoods are five times as likely to gain a university place compared with those from the most deprived neighbourhoods, with particularly marked differences in entrance to ancient universities (Wyness, 2013). Social inequality in educational attainment at school level in Scotland appears to be around the OECD average, with many countries including Norway, Japan, Canada, the Netherlands and Australia having narrower gaps. The attainment gap in England is slightly lower than in Scotland, and some initiatives, such as the London Challenge, have achieved 'stunning' results in producing more equal outcomes (Sosu and Ellis, 2014). There appear to be no equivalent initiatives in Scotland at the moment.

The Joseph Rowntree Foundation review (Sosu and Ellis, 2014) questions the extent to which narrowing the attainment gap has been a social policy priority in Scotland, and concludes that this has not been the case. It notes that the agenda around poverty and educational achievement in Scottish education 'is virtually invisible in the key documents that provide advice for schools and on-the-ground examples of policy and curriculum development. This matters because these documents frame school development priorities, professional plans for action and the 'challenge and support' conversations used to effect change' (p.45). The review notes that 'all successful programmes are accompanied by targeted funding', but Scottish local authorities distribute only 5% of their budget allocation in relation to social deprivation, with overall no clear link between deprivation and per-pupil expenditure. No reliable data are available on additional support needs expenditure in

Scottish local authorities, because the vast majority of pupils are in mainstream schools and funding for various purposes cannot be disaggregated.

Sosu and Ellis (2014) suggest that the new Scottish curriculum, Curriculum for Excellence, might have the potential to improve the educational outcomes of children from poorer backgrounds by allowing teachers to design 'context-specific, whole-school approaches that bridge the gap between learning in school and the experiences that children have outside school'. However, there are clearly some potential pitfalls here. If educators proceed on the assumption that children from different social backgrounds need access to different types of knowledge, there is a real danger that children from poorer backgrounds are channelled into vocational courses at an early age, ensuring that access to high status academic knowledge remains the preserve of those from more affluent backgrounds, particularly those in the private school sector. This would threaten the principle of universal cultural literacy which informs the Scottish liberal education tradition and would be a regressive move. There is sometimes a belief in Scotland that new educational initiatives are inevitably producing more socially just outcomes, but, as the review notes, there is a need for more robust research to ensure that policy development is informed by careful data analysis.

Despite the recognition in Scotland of the association between poverty, social exclusion and additional support needs, spending on school education has been cut over recent years. Education is the largest element within local authority budgets, and the freezing of the council tax since 2007, along with reductions in core grant from central government, has meant that local authorities have had to meet their statutory commitments from severely reduced budgets. A recent report by Audit Scotland (Accounts Commission, 2014) showed that over a three year period from 2010/11 to 2012/13, expenditure on school education in Scotland had reduced by 5% in real terms, whilst pupil numbers had remained constant (reducing by 4% in secondary and increasing by 3% in primary). The reductions were mainly achieved by spending less on school staff (a drop of 2% in the number of both teaching staff and classroom assistants employed). Whereas the Scottish Government made a commitment to the reduction of class sizes in the first three years of primary education, the Accounts Commission report noted that these had actually increased. In the following sections, we examine the development of Scottish additional support needs policy over the past two decades, and the extent of convergence or divergence with SEN policy in England.

### **Additional support for learning: policy convergence or divergence?**

Prior to devolution, Scottish and English policy on special educational needs tended to develop along parallel lines. Post-Warnock legislation in both countries was used to promote the concept of learning difficulties rather than within-child deficits, mainstream educational provision and partnership with parents. This policy shadowing changed with the passage of the Education Act 1994 in England, which reflected the Conservative agenda of consumerism, marketization and managerialism (Riddell et al, 2000). The legislation strengthened parents' rights and local authority accountability by, for example, instituting an SEN Code of Practice with statutory status and establishing the SEN Tribunal.

Major changes in additional support needs policies in Scotland took place a decade later, with the passage of the Education (Additional Support for Learning ) (Scotland) Act in 2004, often referred to as the ASfL Act. On the one hand, this legislation signalled growing divergence between the Scottish and English SEN systems. For example, the concept of special educational needs, which had previously been used across the UK, was replaced in Scotland with the much broader concept of additional support needs, including all children experiencing difficulties in learning for whatever reason. The legislation also abolished the existing statutory document, known as the Record of Needs (RoNs), which had mirrored the English Statement of Needs. On the other hand, the legislation included elements of convergence. Parents' rights in Scotland were boosted by the institution of new forms of dispute resolution (the Additional Support Needs Tribunals for Scotland, independent adjudication and independent mediation).

Research conducted at the time (Riddell and Weedon, 2009, 2010; Riddell et al. 2010a, 2010b; Weedon and Riddell, 2009) showed that local authorities vigorously opposed the establishment of the ASN tribunal system in Scotland on the grounds that the concept was 'borrowed' from the English system and was at variance with the principles of professionalism and consensual decision-making which characterised Scottish education. However, the Scottish tribunals were used much less frequently than the English equivalent (by a factor of ten). This was partly because, before the jurisdiction was widened to include cases of disability discrimination, access to the tribunal depended on whether a child was considered eligible for a Coordinated Support Plan (CSP). Children were deemed to require a CSP if their additional support needs arose as a result of multiple or complex factors, lasted more than a year and required a high level of support from education and other services such as health or social work. All of these criteria had to be met, and as a result the majority of children with additional support needs, irrespective of their level of impairment, were judged to be ineligible. Parents were often frustrated that, despite significant levels of dissatisfaction with school provision, they were unable to take their case to the tribunal (Weedon and Riddell, 2010).

### **The outcomes of the Additional Support for Learning legislation: the relationship between discourse and practice**

As argued at the start of this paper, there is always a need to examine whether discursive shifts in policy actually produce change in the real world, and if so, whether these changes accord with the original intentions of the policy makers. As noted above, a central element of the additional support for learning legislation was the expansion of the category of additional support needs to include children with difficulties in learning, irrespective of the underlying cause of these difficulties. As shown in figure 1, in the early years of the enactment of the legislation, there was a relatively small increase in the number of children identified because the school census only requested information on children with Individualised Educational Plans and Co-ordinated Support Plans.

Figure 1 about here

The Scottish Government wished to see more children identified as receiving additional support and in 2006 ran an advertising campaign with the slogan 'Just Ask', encouraging parents to request additional support from the school, although no additional funds were made available. In order to demonstrate to the public that more children were receiving additional support, local authorities and schools were instructed to include in the annual school census children with a wide range of plans (e.g. those with a Behaviour Support Plan or a Looked After Child's Plan). This led to an increase in the number of children recorded as having additional support needs from 2009 onwards. By 2013, children receiving any type of additional support (including, for example, those receiving temporary additional support as a result of a broken leg) appeared within the official statistics. As a result of this all-embracing definition, in 2013 124,637 children in Scotland were identified as having additional support needs, compared with 29,833 in 2007, a fourfold increase, albeit with wide local authority variation. As acknowledged by Scottish Government statisticians, this increase was due to 'better recording practices' rather than an increase in the number of children receiving additional provision. The Scottish Government's strategy of encouraging identification stands in contrast with policy in England, where the OFSTED review of special education needs and disability raised concerns that 20% of pupils were being identified as having special educational needs. The report (Ofsted, 2010) commented on the 'huge' investment of resources without clearly demonstrated improvements in educational outcomes. It recommended a change in focus so that in future teachers' efforts should be directed towards improving teaching and learning rather than identifying special needs and committing additional resources to individual children.

The Scottish Government not only sought to increase the overall number of pupils identified with additional support needs, but also to increase the number of categories used. Between 2011 and 2013, as shown in figure 2, the following categories were introduced:

communication support needs; young carer; bereavement; substance misuse; family issues; risk of exclusion. Schools were instructed to ensure that all pupils who might fall under one of these heading was recorded on the school census (although as shown by figure 2, the new categories were used only sparingly). A particularly striking feature illustrated by figure 2 is the growth of non-normative categories such as social, emotional and behavioural difficulties and other moderate learning difficulty. It is also important to note, as illustrated in figure 3, that social, emotional and behavioural difficulties is one of the categories that is more likely to be identified in the most deprived compared with the least deprived areas in Scotland. Whereas normative difficulties such as physical and hearing impairment are only slightly more likely to be identified in poorer areas, social, emotional and behavioural difficulties are five times more likely to be identified in poorer neighbourhoods. The tendency to expand non-normative categories and apply these categories disproportionately to children in deprived neighbourhoods has also been documented in England ((Riddell, Weedon and Harris, 2012).

Figure 2 about here

Figure 3 about here

As we discussed earlier, the Coordinated Support Plan (CSP) was intended to be used in relation to a smaller group of children than had received a Record of Needs (initial government estimates suggested 1% of children would receive a Coordinated Support Plan as opposed to 2% of children who had received a Record of Needs). Local authorities were unenthusiastic about the new documents, since they were reluctant to commit resources to individual children and lobbied against them, arguing that local authorities should control resource deployment (Riddell and Weedon, 2010). As noted above, stringent qualification criteria were attached to the issuing of the statutory document, and as a result, as shown in Figure 4, on average, only 0.5% of pupils received a statutory support plan (CSP) in 2013, a much lower proportion than had been in receipt of a statutory support plan (Record of Needs) in 2005. There was also very wide variation across local authorities, with some urban authorities with high levels of deprivation, such as Dundee and Glasgow, issuing CSPs to very few children.

Figure 4 about here

It is also important to note, as shown in figure 5, that even though far more children in the most deprived areas (SIMD 5) were identified as having additional support needs, particularly social, emotional and behavioural difficulties, those in the least deprived areas were almost as likely to have a CSP. This is important because, as a result of its statutory status, a Co-ordinated Support Plan provides some guarantee of additional resources. It would appear that children in the poorest areas of Scotland are attracting socially stigmatising labels, but are not necessarily receiving additional support to help them to overcome the barriers imposed by poverty.

Figure 5 about here

### **New developments: The Children and Young People (Scotland) Act 2014**

Further developments have been prompted by the Children and Young People (Scotland) Act 2014, which provides statutory underpinning for the Getting it Right for Every Child (GIRFEC) programme. This initiative has been in existence in Scottish children's services for about a decade, and has been described in different ways by the Scottish Government over this period, often using rather abstract concepts (see <http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright/background>). Essentially, GIRFEC is intended to promote the well-being and rights of all children, particularly the most vulnerable. The ASfL Act gave some recognition

to children and young people's rights (such as to be consulted over the making of a CSP), building on the general recognition of children's status as education rights holders in the Standards in Scotland's Schools etc. Act 2000. In this regard, Scottish education was ahead of legislation in the other home nations, where educational rights have traditionally been accorded to parents rather than children (Harris, 2009). Public recognition of children's rights is set to advance further through the new legislation, which places a duty on Scottish Ministers to promote public understanding and awareness of the rights of children in line with the principles of the UN Convention on the Rights of the Child. The new legislation requires local authorities to open a Child's Plan for children and young people whose well-being is compromised, and requires health and education to co-operate with education in delivering services. The ASfL legislation is not being repealed, and the Child's Plan is intended to incorporate existing statutory plans such as the CSP and the Looked After Child's Plan.

Whilst in Scotland competent young people already enjoy similar rights to those of parents in relation to matters such as requesting the opening of a CSP or making a tribunal reference, a consultation was launched in December 2013 on whether children's rights under the ASfL Act 2004 should be extended so that they enjoy full independent rights. The consultation document (Scottish Government, 2013) also includes a proposal to repeal Section 70 of the Education (Scotland) Act 1980, which allows any interested party to make a complaint to the Scottish Ministers that a responsible body has failed to discharge a duty on them related to their statutory duties relating to education. The justification for this change is that disputes should be dealt with at the lowest possible level and that any complaints of maladministration could be referred to the Scottish Ombudsman. In its response to the consultation document, the Faculty of Advocates (2013) declared its support for the proposal that all rights, including appeal rights, should be extended to children with legal capacity. However, there was a warning that rights conferred on children should run alongside, rather than substitute for, the rights already enjoyed by parents, and that a mechanism should be developed for dealing with conflicts between the two. There was strong opposition to the repeal of section 70, since 'there are many areas where the general power to enforce education authority duties remains appropriate and important'. Removing the responsibility of Scottish Ministers to investigate complaints under section 70 would 'severely undermine' the rights of parents and pupils. At the time of writing, the Scottish Government has declared its intention to proceed with the enhancement of children's rights, and impose strict time limits in relation to Section 70 complaints.

It is interesting to consider whether at the present time there is a greater tendency to divergence or convergence in SEN and ASN policy. On the face of it, there would appear to be some commonalities in direction of travel. Whilst in Scotland Coordinated Support Plans have replaced Records of Need, in England Education, Health and Care (EHC) Plans have replaced Statements of Need. In both jurisdictions, there is growing emphasis on joint service provision. The rights of children and young people are also assuming a higher profile, with the Children and Families Act 2014 reflecting key principles of the UN Convention on the Rights of the Child, including the requirement for local authorities to have regard to the 'views, wishes and feelings' of the child and his or her parents. Children and young people are also accorded additional rights, for example, where there is an EHC Plan, a right to have their wishes as regards mainstream education to be taken into account; a right to be consulted as to whether an EHC is necessary; a right to require a local authority to prepare a personal budget; and rights to have mediation of a dispute.

Some interesting questions arise with regard to how this new emphasis on children's rights should be understood. Harris (2009) and Lundy (2012) have argued that across the UK, despite slightly different approaches in the different jurisdictions, parents' rights in education, particularly in the field of SEN, are much better developed than those of children. In order to redress this imbalance, they have argued that greater efforts should be made to incorporate the principles of the UNCRC into domestic education policy and practice. However, a warning



note has been raised by Hollingsworth (2013). In the context of youth justice, she maintains that it is important to recognise the way in which children's autonomy differs from that of adults. Drawing on the capabilities approach developed by Sen (1992) and Nussbaum (2011), she suggests that children should be seen as 'becomings', and adults must ensure that decisions made during childhood do not have adverse future consequences. These arguments have implications for children's rights generally, and particularly their involvement in educational decision-making, for example, with regard to school attendance, choice of school and curriculum. As noted by the Scottish Faculty of Advocates (see above), it is important that an emphasis on children's autonomy is not used as a smoke screen to limit the responsibility of local authorities and schools for the quality of service provision.

## **Conclusion**

We began this paper by drawing attention to major areas of social policy which have provided the backdrop for developments in additional support needs, namely debates around devolution and constitutional change which have taken place in the context of austerity. We noted the tendency across Scottish social policy to emphasise differences between Scotland and the rest of the UK as a means of 'decentring' England as the main point of comparison. Nonetheless, the politics of austerity following the financial crash have led to significant cuts in education in both Scotland and the rest of the UK, which have limited the Scottish Government's ability to redistribute funds to children in need of additional support, particularly those living in areas of deprivation. Despite the Scottish Government's adherence to discourses of social justice and inclusion, educational outcomes in Scottish schools are strongly associated with a pupil's social class background, as is the case in England.

In the field of additional support needs, since the early 1980s, policy in Scotland and England has sometimes run along parallel lines whilst at other times it has diverged. Most recently, there appear to be fairly strong commonalities between developments north and south of the Border. At the present time, England appears to be moving in the direction of Scotland by, for example, introducing Health, Education and Care Plans which have some similarities to Co-ordinated Support Plans in their emphasis on joint service planning and delivery. There are also similarities in terms of the new emphasis on children's rights in both jurisdictions, which, we argued, might have the perverse outcome of downplaying the duty of local authorities to ensure adequate support for children with special and additional support needs. Finally, there are strong similarities between the outcomes of SEN and ASN policies in the two countries, particularly in relation to the expansion of the category of SEBD (Social and Emotional Behavioural Difficulties) in Scotland and BESD (Behaviour, Emotional and Social Difficulties) in England. In both jurisdictions, children from deprived categories are over-represented in this category, but are relatively unlikely to receive statutory support plans which may be necessary to secure better resourcing and access to formal dispute resolution mechanisms. This suggests that in both countries similar processes of social marginalisation, involving specific types of categorisation, are at work. Whilst Arnott and Ozga (2012) have commented on a growing tendency to model Scottish education policy on that of other European states such as Finland, in the field of additional support needs, the policies of the home countries still appear to be closely connected, although Scotland rather than England appears to be setting the direction of travel with England following in her wake.

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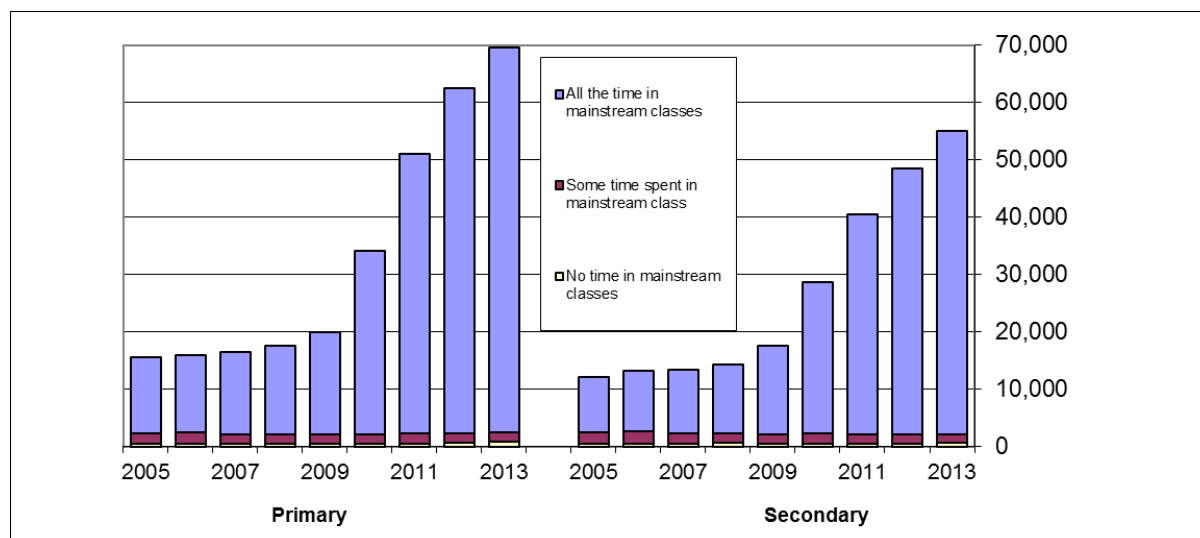
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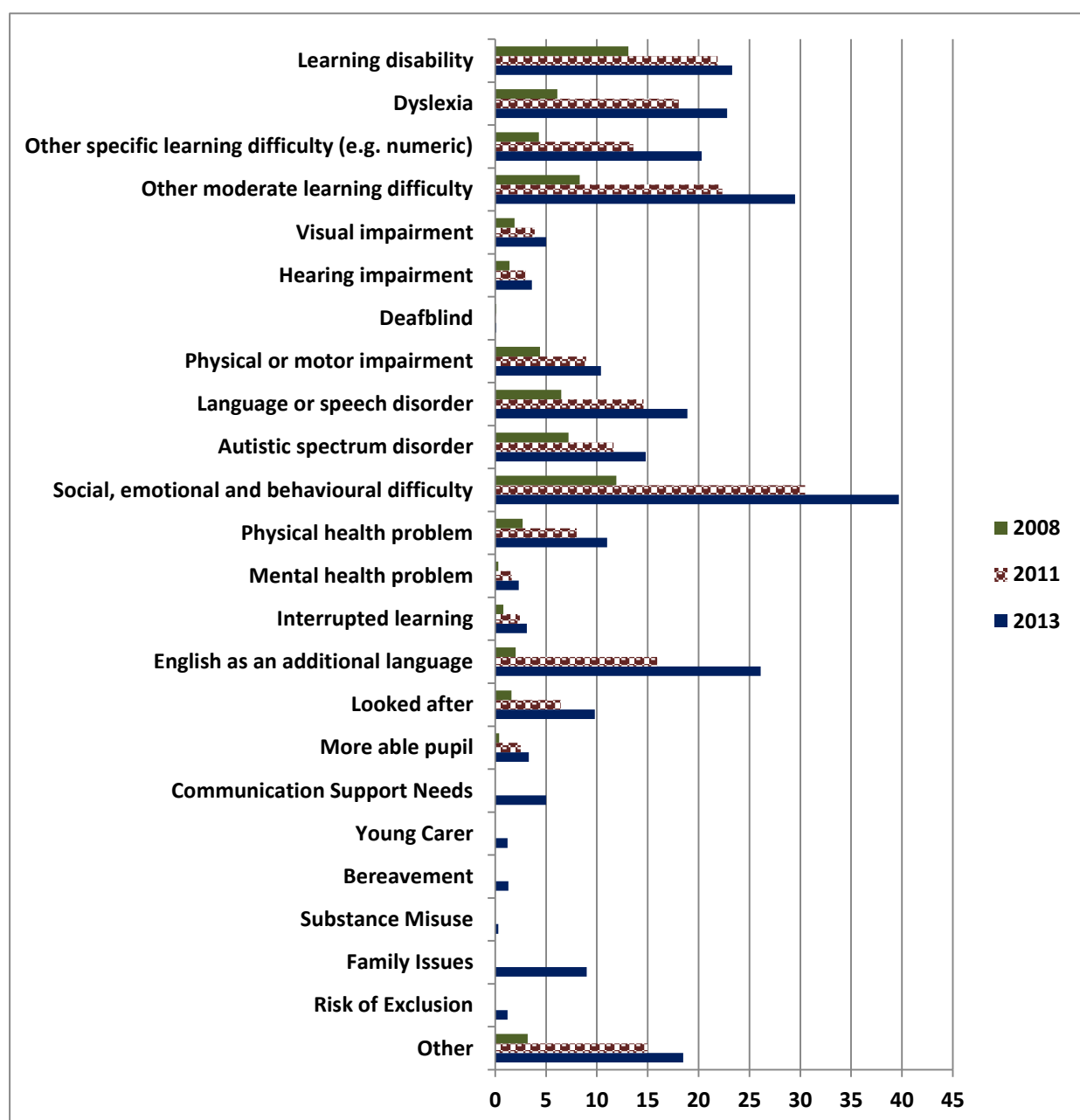
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**Figure 1: Number and placement of children with additional support needs in Scotland, 2005-2013**



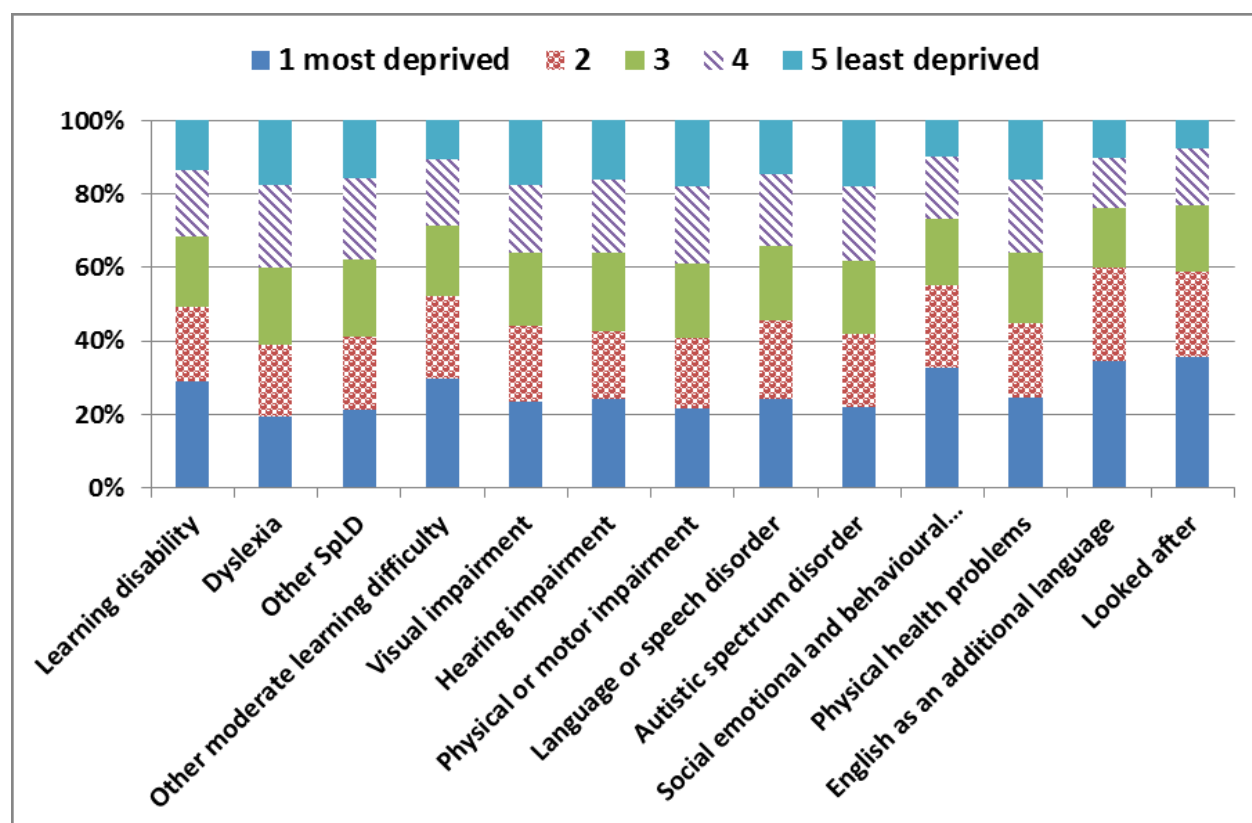
Source: Scottish Government Pupil Statistics 2005 – 2013

**Figure 2: Reason for support for pupils with Additional Support Needs, 2008, 2011 and 2013, Rate per 1,000 pupils**



Source: Scottish Government, [2009](#), [2011c](#) and [2013](#)

**Figure 3: Reason for support by SIMD 2009 quintiles, as proportion of those with the same ASN, 2011**



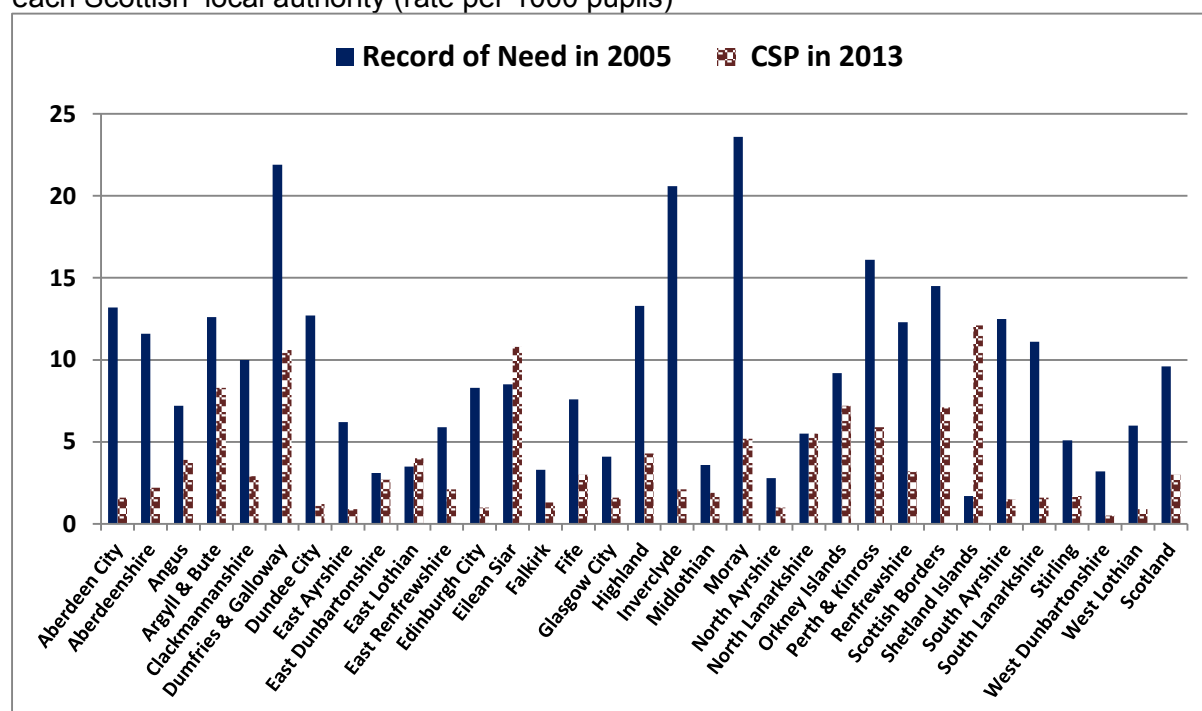
Source: Scottish Government, data supplied by government statistics department, Feb. 2012

Note: The Scottish Index of Multiple Deprivation (SIMD) is the official measure of area deprivation used by the Scottish Government, see

<http://www.scotland.gov.uk/Topics/Statistics/SIMD>

Quintile 1 = most deprived; quintile 5 = least deprived

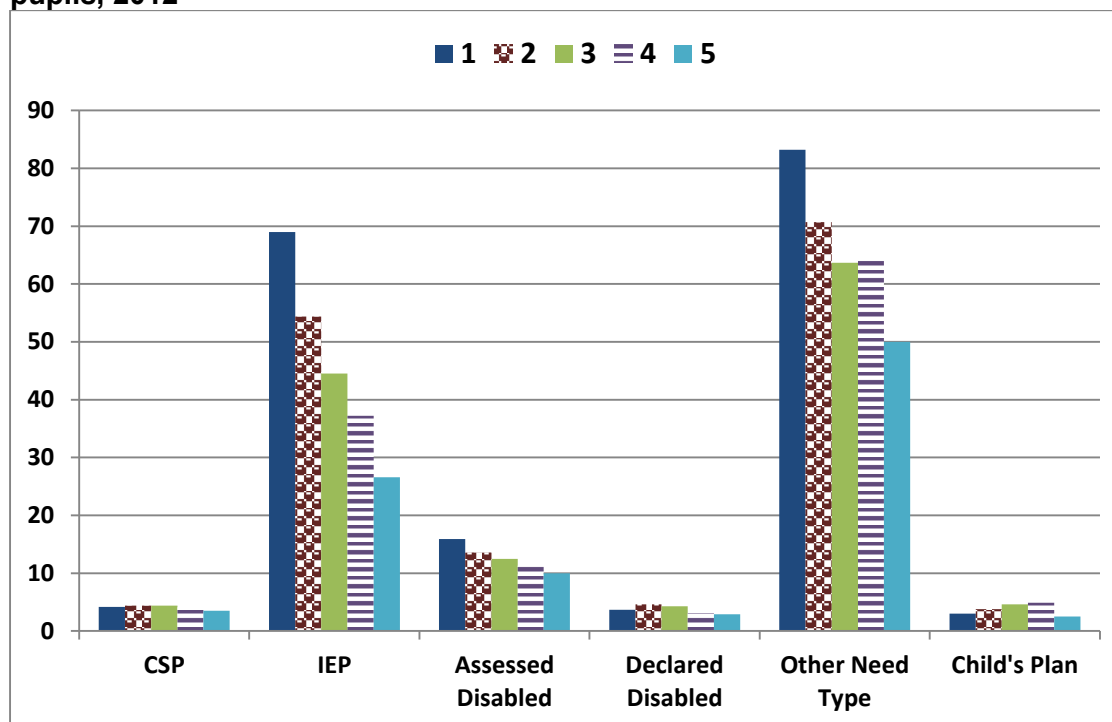
Figure 4: Proportion of total pupil population with a statutory plan in 2005 and 2013 in each Scottish local authority (rate per 1000 pupils)



Sources: [Scottish Executive, 2006](#); [Scottish Government, 2013](#), supplementary tables

Note: Prior to the passage of the ASfL Act 2004, the Record of Needs was the name of the statutory support plan. Under the terms of the legislation, the Coordinated Support Plan became the statutory document, summarising additional support to be made available by education assisted by other agencies. The Record of Needs was phased out over a number of years.

**Figure 5: Type of support by Scottish Index of Multiple Deprivation (SIMD): rate per 1,000 pupils, 2012**



Source: Scottish Government, data supplied by government statistics department, Feb. 2012

Note: The Scottish Index of Multiple Deprivation (SIMD) is the official measure of area deprivation used by the Scottish Government, see

<http://www.scotland.gov.uk/Topics/Statistics/SIMD>

Quintile 1 = most deprived; quintile 5 = least deprived

In the 2010 pupil census, information on additional support needs was collected in a different way. For the first time, information on reasons for support and nature of support was collected separately for each type of additional support need (Coordinated Support Plan (CSP), Individualised Educational Programmes (IEP), disability, other). In previous years, while information on reasons and nature of support was collected, it was not linked to specific need types. This is also the first year that we are publishing information on 'other' types of support. The '**Other**' category includes: Child plans, short term or temporary support and support that is not covered in the CSP or IEP. (Pupil Census, supplementary information, 2012).

The terms 'assessed disabled' and 'declared disabled' draw on the definition of disability in the Equality Act 2010.